

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

THOMAS HOBGOOD,

Plaintiff,

v.

Civil Action No. **3:23CV571**

MR. CARTER, *et al.*,

Defendants.

MEMORANDUM OPINION

Plaintiff, a former Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). In his current Complaint, Plaintiff does not identify the particular constitutional right that was violated by the defendants' conduct. Accordingly, by Memorandum Order entered on November 17, 2023, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action.

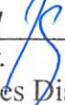
In response, Plaintiff submitted five separate complaints. By Memorandum Order entered on February 14, 2024, the Court informed Plaintiff that he had not complied with the directions in the November 17, 2023 Memorandum Order. The Court informed Plaintiff that, within thirty (30) days of the date of entry thereof, Plaintiff must either notify the Court of his desire to proceed with each of the five complaints as a separate actions or file one particularized complaint. The Court

warned Plaintiff that the Court would dismiss the action if he failed to comply with the above directive.

When the February 14, 2024 Memorandum Order was returned to the Court by the United States Postal Service, by Memorandum Order entered on March 25, 2024, the Court directed the Clerk to remail the February 14, 2024 Memorandum Order to Plaintiff at his updated address. The Court directed Plaintiff to comply with the terms of the February 14, 2024 Memorandum Order within twenty (20) days of the date of entry thereof. More than twenty (20) days have elapsed since the entry of the March 25, 2024 Memorandum Order and Plaintiff has not responded. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order will accompany this Memorandum Opinion.

Date: 4/23/24
Richmond, Virginia

/s/ 
John A. Gibney, Jr.
Senior United States District Judge